HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.14786 of 1998

Dated 21st day of February, 2007

Between:

I.Mangalaxmi and two others .. Petitioners

And

The A.P. Housing Board rep.
by its Chairman and Managing Director,
Gruhakalpa, Nampally, Hyderabad
and two others .. Respondents

-
-
-

O R D E R:

This writ petition is filed seeking a direction to the respondents 1 and 2 to act in accordance with law and transfer the allotment of House No.56, TIT Block, East Maredpally, Secunderabad in favour of the petitioners, who are the successors and legal heirs of the original allottee.

The brief facts of the case are that petitioners two and three are the sons of the 1st petitioner. The husband of the 1st petitioner was allotted a residential house bearing No.56, TIT Block, East Maredpally, Secunderabad under lease-cum-sale agreement subsequent to the allotment letter dated 7.8.1990 issued by the 2nd respondent. The terms and conditions of the lease-cum-sale agreement disclose that the petitioners are entitled to the allotment of the house by succession either by virtue of the provisions of the Hindu Succession Act or by the terms of the agreement. Now, the petitioners' grievance is that taking advantage of the weakness of the husband of the 1st petitioner, the respondents 3 and 4, who are the brother and the sister of the 1st petitioner's husband, are trying to get the allotment of the house transferred in their names.

Heard the learned counsel for both the parties.

The learned counsel appearing for 3rd and 4th respondents has contended that under the guise of the allotment made, the petitioners shall not take undue advantage and claim that they are the sole successors to the House No.56 because their allotment was made on the basis of the fact that it is a joint family property and 3rd and 4th

respondents, who are residing at Madras, have a right of share in it.

As the very prayer of the writ petition is for transfer of the allotment of House No.56, TIT Block, East Maredpally, in accordance with law, this Court deems it appropriate to direct the respondents 1 and 2 to afford an opportunity of being heard to the petitioners as well as 3rd and 4th respondents and pass appropriate orders in accordance with law. It is left open to the petitioners as well as the 3rd and 4th respondents to offer their explanation and put forth their grievances before the authority, who holds the enquiry. Having regard to the fact that this Court granted interim direction to the 1st and 2nd respondents not to transfer allotment of the house in favour of the 3rd and 4th respondents, this direction shall hold good till the completion of the enquiry. It is made clear that the petitioners under the guise of the interim orders shall not alienate the property in question.

With the above observation, this writ petition is disposed of. No costs.

_____

21.02.2007

bcj